

Calendar No. 1884

82D CONGRESS
2d Session

SENATE

REPORT
No. 1941

MARK YEN HUI

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4588]

The Committee on the Judiciary, to which was referred the bill (H. R. 4588) for the relief of Mark Yen Hui, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor Chinese child of a citizen of the United States the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill was born in China on March 19, 1935, of an American citizen father and was therefore a United States citizen at birth. Under the Nationality Act of 1940, it was necessary for him to enter the United States before his sixteenth birthday in order to retain his citizenship. He was unable to do this and therefore lost his claim to United States citizenship.

A letter dated February 7, 1952, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case reads as follows:

FEBRUARY 7, 1952.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 4588) for the relief of Mark Yen Hui, an alien. The bill would make sections 4 (a) and 9 of the Immigration Act of 1924, as amended, applicable to the alien.

The files of the Immigration and Naturalization Service of this Department disclose that the alien, a native of China, who was born on March 19, 1935, resides in China with his mother and five of his brothers and sisters. His father, Mr. Mark Jung, also known as John Mark, a native of China and citizen of the United States, is the son of a native-born United States citizen. Mr. John Mark entered the United States on July 18, 1927, remaining here until November 1931. He returned to the United States in 1935, and remained for 5 years. He last entered the United States in October 1946, and has resided here since that time. In 1932 Mr. Mark married a native and citizen of China in China, and there are seven children of this marriage, all born in China. The eldest son, Mark Yin Let, is residing in this country with his father, having been admitted as a United States citizen. Mr. Mark stated that he had made efforts to bring his son, Yen Hui, into this country prior to his sixteenth birthday, but was unsuccessful because Yen Hui was unable to obtain permission to leave Communist-occupied China. Mr. Mark also stated that he intends to bring his wife and remaining children to the United States. It appears that until about a year and a half ago he was employed in his father's laundry in Chicago and that he now operates a restaurant in that city with two of his cousins.

Mark Yen Hui was a United States citizen at birth. He has, however, never resided in the United States, and has, therefore, forfeited his claim to United States citizenship under section 201 (g) and (h) of the Nationality Act of 1940, which provide that a child who is a citizen at birth, having been born subsequent to May 24, 1934, outside the United States of parents one of whom is a citizen, the other being an alien, shall lose his citizenship unless he takes up permanent residence in the United States by the time he reaches the age of 16 years or in time for him to complete 5 years' residence in the United States before reaching the age of 21. Alien Chinese minor unmarried children of American citizens are not entitled to nonquota status in the issuance of immigration visas (sec. 2, act of December 17, 1943, as amended). Mark Yen Hui as an alien is now chargeable to the quota for the Chinese persons which is oversubscribed and an immigration visa is not readily obtainable. In the absence of special legislation he will not be able to come to this country in the near future to be with his family.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation. If, however, this measure should receive favorable consideration by the committee, it is suggested that it be amended by striking out all after the enacting clause and substituting the following: "That, notwithstanding the provisions of section 2 of the Act of December 17, 1943, as amended (57 Stat. 601; 60 Stat. 975, 8 U. S. C. 212a), Mark Yen Hui, alien minor unmarried son of Mark Jung, a United States citizen, shall be entitled to the status of a nonquota immigrant in accordance with the provisions of section 4 (a) of the Immigration Act of 1924 upon compliance with the provisions of section 9 of the said Act provided said Mark Yen Hui is otherwise admissible under the immigration laws."

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4588) should be enacted.